

### **REMARKS**

Claims 10 and 11 are currently pending.

Claims 10 and 11 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. To overcome this rejection, Applicant has amended Claim 9 to more clearly state that the claimed basic preparation contains thickening agent and sugar and that it comprises lactose, dehydrogenated glucose syrup, maltodextrin, modified starch and xanthan gum. Additionally, Applicant hereby incorporates by reference its remarks from the prosecution history of the parent application so as to more fully explain herein how its sauce differs from the prior art. Applicant submits that as amended Claim 10 overcomes the Examiner's rejection under § 112, second paragraph.

The Examiner has also provisionally rejected Claims 10 and 11 under the judicially created doctrine of non-statutory double patenting. To address this rejection, Applicant will provide a terminal disclaimer after a Notice of Allowance is issued in this case.

### **CONCLUSION**

In view of the amendments and comments herein, the present application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited.

If the Examiner believes that there are any issues which present an impediment to allowance, the undersigned respectfully requests that he be contacted by telephone so that they may be addressed expeditiously.

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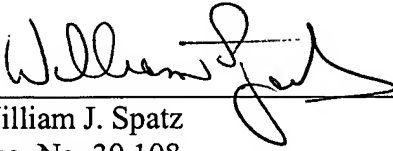
No. 50-0540.

Respectfully submitted,

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